

Curtis Sobel (CS-0964)
Sobel & Kelly, P.C.
Attorneys for Defendant,
WHITE CASTLE MANAGEMENT CO.,
464 New York Avenue, Suite 100
Huntington, New York 11743
(631) 549-4677

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARJORIE MILLS-DIXON,

Plaintiff(s),

- against -

Civil Action No.

CV 08-0973 (LAP)

WHITE CASTLE MANAGEMENT CO.,

Defendant(s).


-----X

ATTORNEY'S CERTIFICATION

Section 130.1.1 (22 NYCRR)

Papers served:

**VERIFIED ANSWER
FIRST SET OF INTERROGATORIES
DEFENDANT'S FIRST REQUEST FOR DOCUMENT PRODUCTION
EXPERT WITNESS DEMAND
NOTICE DECLINING SERVICE BY ELECTRONIC TRANSMITTAL**



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SOBEL & KELLY, P.C.
Attorneys for Defendant
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464 New York Avenue, Ste. 100
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(631) 549-4677
File No.: WC-10009-08

TO: MARK B. RUBIN, ESQ.
Attorneys for Plaintiff
MARJORIE MILLS DIXON
3413 White Plains Road
Bronx, New York 10467
(718) 231-1515

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UNITED STATES DISTRICT COURT
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MARJORIE MILLS-DIXON,

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WHITE CASTLE MANAGEMENT CO.,

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VERIFIED ANSWER

The defendant, WHITE CASTLE MANAGEMENT CO., by its attorneys, SOBEL & KELLY, P.C., answering the Complaint of the plaintiff, alleges upon information and belief:

1. Defendant denies, upon information and belief, each and every allegation contained in paragraph(s) "SECOND" of the Complaint, and refers all questions of law to this Court, except admits that upon information and belief at all times hereinafter mentioned, the defendant was a foreign corporation.

2. Defendant denies, upon information and belief, each and every allegation contained in paragraph(s) "FIRST", "THIRD", "FOURTH", "FIFTH", "SIXTH", "SEVENTH", "EIGHTH", "NINTH", "TENTH", "ELEVENTH" and "TWELFTH", of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE
DEFENSE DEFENDANT SETS FORTH AND ALLEGES**

3. That if the plaintiff sustained the injuries and damages alleged in the Complaint, the same were wholly caused by the culpable conduct of and/or assumption of the risk of the plaintiff and the defendant is entitled to judgment dismissing the Complaint.

That if the plaintiff sustained the injuries and damages alleged in the Complaint, the same were caused, if not in whole, then in part, by the culpable conduct and/or assumption of the risk of the plaintiff and the defendant is entitled to judgment assessing and fixing the degree to which the culpable conduct of the plaintiff contributed to the said injuries and damages and the proportion to which such damages shall be diminished thereby.

**AS AND FOR A SECOND AFFIRMATIVE
DEFENSE PURSUANT TO ARTICLE 16**

4. In the event that the plaintiffs recover any judgment against this defendant, then this defendant demands that any such judgment be diminished in accordance with Article 16 of the CPLR and more particularly Section 1601 thereof.

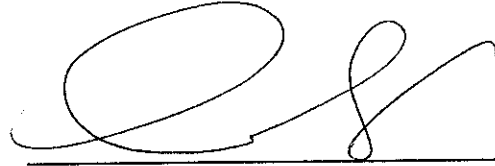
**AS AND FOR A THIRD AFFIRMATIVE
DEFENSE DEFENDANT SETS FORTH AND ALLEGES**

5. If any damages are recoverable against said answering defendant, the amount of such damages shall be diminished by the amount of the funds which plaintiffs

have or shall receive from any available collateral source.

Dated: Huntington, New York
 February 15, 2008

Yours, etc.,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke extending to the right.

CURTIS SOBEL (CS-0964)
Attorneys for Defendant
WHITE CASTLE MANAGEMENT CO.
464 New York Avenue, Suite 100
Huntington, New York 11743
631/549-4677
File No.: 10009-08

TO: MARK B. RUBIN, ESQ.
 Attorneys for Plaintiff
 MARJORIE MILLS DIXON
 3413 White Plains Road
 Bronx, New York 10467
 (718) 231-1515


STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:

I, CURTIS SOBEL, an attorney admitted to practice in the Courts of New York State, state that I am the attorney for the defendant in the within action; I have read the foregoing ANSWER and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matter I believe it to be true. The reason this verification is made by me and not by defendant, is that the defendant's principal place of business is in a County other than the County wherein I maintain my office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Contents of file which constitutes attorney's work product.

I affirm that the foregoing statements are true, under penalties of perjury.

Dated: Huntington, New York
February 15, 2008


CURTIS SOBEL (CS-0964)

DECLARATION OF SERVICE BY MAIL

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

LuANN THOMAS, hereby declares, pursuant to 28 U.S.C., Section 1746 and Local Civil Rule 1.10 of this Court, that I am not a party to the action; I am over 18 years of age and reside at Middle Island, New York 11953

On 02/19/2008, I served the within VERIFIED ANSWER by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

TO:

MARK B. RUBIN, ESQ.
3413 White Plains Road
Bronx, New York 10467

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 19, 2008


LuANN THOMAS